

Notice of Allowability

Application No.

10/065,854

Examiner

Wes Tucker

Applicant(s)

UPPALURI ET AL.

Art Unit

2624.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed May 9th 2007.
2. ☒ The allowed claim(s) is/are 1-4, 6-19, 21, 22, 34, 37-48, 50, 51 and 58-61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 9th 2007 has been entered.

Response to Amendment

2. Applicant's amendment filed May 9th 2007 has been entered and made of record.

3. Applicant has amended claim 1. Claims 5, 20, 23-33, 35-36 and 52-57 have been cancelled. Claims 1-4, 6-19, 21, 22, 34, 37-48, 50, 51 and 58-61 remain pending.

4. Applicant's remarks in view of the newly presented amendments are found to be persuasive. An Examiner's amendment was also approved by Applicant and is listed below. Independent claims 1, 34 and 47 and the corresponding dependent claims are found to be allowable. Reasons for allowance are given below.

Examiner's Amendment

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Arnold Reg. No. 48,894 on June 13, 2007.

On line 14 of Claim 34, after the phrase "metastatic bone lesion" the claim should be amended to add the phrase ", the candidate region being a subset of the region of interest."

The amended portion of the claim should read as follows:

"Identifying a candidate region within the bone as a candidate for calcification, fracture, erosion, or metastatic bone lesion, the candidate region being a subset of the region of interest; and"

Allowable Subject Matter

6. Claims 1-4, 6-19, 21, 22, 34, 37-48, 50, 51 and 58-61 are allowed.

The following is an examiner's statement of reasons for allowance:

With regard to independent claim 1, Applicant's remarks in view of the amendment to the claim are found to be persuasive. Applicant has distinguished the determination of a region of interest and the subsequent determination of a candidate

region of interest being a subset of the region of interest. The initial confusion of the two claimed elements is resolved with the presented amendment. Furthermore the distinction serves to overcome the cited prior art of record. No other found prior art of record teaches or fairly suggests the combination of steps now claimed.

With regard to claim 34, the same discussion of claim 1 applies in view of the approved Examiner's amendment.

With regard to claim 47, Applicant is correct that the claimed feature of "identifying a candidate region within a bone image which correlates to the region of interest in the soft-tissue image; and extracting features from the candidate region in the bone image" are not taught by the reference to Nishikawa et al. The cited passage of Nishikawa refers to calcifications in the soft-tissue image rather than the bone image. The specific step limitations of claim 47 are not taught or reasonably suggested by Nishikawa or any other found prior art of record.

Independent claims 1, 34 and 47 and all subsequent dependent claims are therefore found Allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

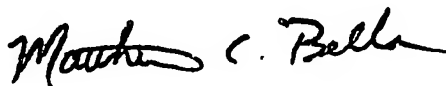
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wes Tucker

6-11-07



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